

S.C.

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/726,045	BRUCHMANN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Preeti Kumar	1751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to February 18, 2004.
2. ☒ The allowed claim(s) is/are 6, 8, 11-13, renumbered 1-5.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                    |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

## **DETAILED ACTION**

### ***Allowance***

1. Claims 6, 8 and 11-13 are pending.
2. The rejection of claims 6, 8 and 11-13 under 35 U.S.C. 102(e) as being anticipated by Jansen et al. (US 6,080,831) is withdrawn in light of the examiner's amendment below.
3. The rejection of claims 6 and 8 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 3 of U.S. Patent No. 6,080,831 is withdrawn in light of the examiner's amendment below.

### **EXAMINER'S AMENDMENT**

4. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jason Voight on Wednesday, June 30, 2004.

5. The application has been amended as follows:

#### **The claims:**

In claim 6, insert –selected from the group consisting of hydroxyl, amino, amido, carbonyl, carboxyl, mercapto, sulfonyl, sulfonyl, sulfonyl, sulfonyl, sulfate, nitro, nitrile, isonitrile, cyanate, silyl, silanyl, phosphine, phosphate, phosphite,

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phosphonate, acrylate, methacrylate, allyl, and vinyl and mixtures thereof —after the phrase “free functional group”.

In claim 6, insert —which group reacts with the OCN-R1-moiety of the formula (1) wherein Y is retained as a hydrogen atom or a free functional group selected from the group consisting of hydroxyl, amino, amido, carbonyl, carboxyl, mercapto, sulfonyl, sulfonyl, sulfonyl, sulfonyl, sulfate, nitro, nitrile, isonitrile, cyanate, silyl, silanyl, phosphine, phosphate, phosphite, phosphonate, acrylate, methacrylate, allyl, and vinyl and mixtures thereof— after the phrase “compound having at least one isocyanate-reactive group,”.

In claim 6, insert —which has atleast one isocyanate-reactive group which group reacts with the OCN-R1-moiety of the formula (1) wherein Y is retained as a hydrogen atom or a free functional group selected from the group consisting of hydroxyl, amino, amido, carbonyl, carboxyl, mercapto, sulfonyl, sulfonyl, sulfonyl, sulfonyl, sulfate, nitro, nitrile, isonitrile, cyanate, silyl, silanyl, phosphine, phosphate, phosphite, phosphonate, acrylate, methacrylate, allyl, and vinyl and mixtures thereof— after the word “surface”.

Claims 1-5, 7, 9-10 are cancelled.

***Reasons for Allowance***

6. The following is an examiner's statement of reasons for allowance: Claims 6, 8, 11-13, renumbered 1-5 are allowed in view of applicants remarks and the examiner's amendment above.

The prior art most pertinent to the instant claims is Jansen et al. (US 6,080,831). However, Jansen et al. do not specifically teach reacting a compound of formula 1 with atleast one isocyanate group as recited by the instant claim 6 and it would not have been obvious from the teaching of Jansen et al. because the prior art teaches a structurally different modified polyisocyanate. None of the prior art of record specifically teach or suggest the claimed formula 1.

7. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***


8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Preeti Kumar whose telephone number is 571-272-1320. The examiner can normally be reached on M-F 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra N. Gupta can be reached on 571-272-1316. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Preeti Kumar  
Examiner  
Art Unit 1751

PK

  
YOGENDRA N. GUPTA  
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